

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**FRANK LUIS DE DIOS MARTINEZ,**

**Plaintiff,**

**v.**

**No. 14-cv-0169 MCA/SMV**

**CIBOLA COUNTY, CITY OF GRANTS,  
KATHY GALLEGOS,  
PENITENTIARY OF NEW MEXICO, and  
FNU LNU,**

**Defendants.<sup>1</sup>**

**ORDER GRANTING MOTION TO SEAL**

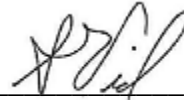
THIS MATTER is before the Court on Defendant's Motion to Seal Exhibit and Portions of *Martinez* Report [Doc. 43], filed on December 10, 2015. On September 22, 2015, the Court ordered Defendant to submit a *Martinez* Report. [Doc. 39]. Defendant moves for permission to file under seal one exhibit and the portions of the Report that refer to the exhibit. [Doc. 43]. Defendant describes the exhibit as a "confidential gang-related investigation report conducted by [New Mexico Corrections Department ("NMCD")] concerning Plaintiff's status in segregation and his classification placement during the relevant time period in 2011." *Id.* at 1. Defendant argues that disclosing the report to the public or to Plaintiff "will compromise the safety and security of Plaintiff, other inmates, and employees of NMCD." *Id.* at 2. The Court finds that the Motion is well-taken and should be GRANTED.

---

<sup>1</sup> On June 24, 2015, the Honorable M. Christina Armijo, Chief United States District Judge, issued a Memorandum Opinion and Order dismissing the Plaintiff's claims against all Defendants except for the Warden of the Penitentiary of New Mexico, German Franco, in his individual capacity. [Doc. 28] at 7.

**IT IS THEREFORE ORDERED** that Defendant's Motion to Seal Exhibit and Portions of *Martinez* Report [Doc. 43] is **GRANTED**. Defendant may file two versions of the *Martinez* Report, an un-redacted version and a redacted version. The un-redacted version may be filed under seal ex parte. As to the second version, Defendant may redact the gang-related investigation report and any reference to its contents before serving it on Plaintiff and filing it on the record.

**IT IS SO ORDERED.**



---

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**